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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,100	04/19/2001	Molly Kestner Barksdale	RSW920000123US1	1798

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IBM Corporation
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EXAMINER
GOLINKOFF, JORDAN

ART UNIT	PAPER NUMBER
2174	5

DATE MAILED: 03/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _19 April 2001_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
    closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-20_ is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-20_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _19 April 2001_ is/are: a)☐ accepted or b)☒ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _2_.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Drawings

1.   The drawings are objected to because of several mistakes in the labeling of figures. The

following mistakes are noted:

    a.   Figure 2, element 232 – should be relabeled 202

    b.   Figure 3, element 300 – the top right 300 label should be changed to 302

    c.   Figure 3, element 350 – the middle right 350 label should be changed to 353

    d.   Figure 3, element 350 – the bottom right 350 should be changed to 354

A proposed drawing correction or corrected drawings are required in reply to the Office action to

avoid abandonment of the application. The objection to the drawings will not be held in

abeyance.

Specification

2.   The disclosure is objected to because of the following informalities:

- Page 16, line 14 – ".." should be changed to "." at the end of the sentence.

Appropriate correction is required.

Double Patenting

3.   The nonstatutory double patenting rejection is based on a judicially created doctrine
grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or
improper timewise extension of the "right to exclude" granted by a patent and to prevent possible
harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed.
Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686
F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA
1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4.   Claims 1, 3, 7, 8-9, 13-15, and 19-20 are provisionally rejected under the judicially

created doctrine of obvious type double patenting over claims 1 and 5-8 of copending

Application No. 09/838602. Although the conflicting claims are not identical, they are not

patentably distinct from each other because:

As per independent claims 1, 9 and 15, Application 09/838100 discloses using a shading

color to indicate the level of an item in a hierarchy where each item has the same left margin.

Application 09/838602 discloses using a shading color to indicate the level of an item in a

hierarchy where each item has the same left margin (claims 1 and 8).

As per claim 3, which is dependent on claim 1, Application 09/838100 discloses

analyzing an attribute corresponding to each data item; determining a visual highlight

corresponding to the attribute; including the visual highlight with the formatted data item.

Application 09/838602 teaches analyzing an attribute corresponding to each data item;

determining a visual highlight corresponding to the attribute; including the visual highlight with

the formatted data item (claim 7).

As per claim 7, which is dependent on claim 1, Application 09/838100 displaying an

alphanumeric level identifier with each formatted data item that identifies the level

corresponding to the formatted data item. Application 09/838602 teaches displaying an

alphanumeric level identifier with each formatted data item that identifies the level

corresponding to the formatted data item (claim 6).

Claims 13 and 19 are similar in scope to claim 7, and are therefore rejected under similar

rationale.

As per claim 8, which is dependent on claim 1, Application 09/838100 discloses that one

margin of the level indicator bar indicates a data level corresponding to the formatted data items

(claim 8). Application 09/838602 teaches the horizontal displacement of the visual marker within

the item identifier space to indicate the level of an item (claim 5).

Claims 14 and 20 are similar in scope to claim 8, and are therefore rejected under similar

rationale.

This is a <u>provisional</u> obviousness-type double patenting rejection because the conflicting

claims have not in fact been patented.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 9-10, and 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by

Lokuge (US006252597B1).

As per independent claim 1, Lokuge teaches a method of displaying layered data, said

method comprising: identifying a plurality of shading colors, each of the shading colors

corresponding to a different data layer; identifying a plurality of data items to be displayed in a

display window (column 7, lines 34-44); for each data item: determining one of the data layers

corresponding to the data item; selecting a shading color from the plurality of shading colors,

wherein the shading color corresponds to the determined data layer (column 7, lines 34-44);

formatting the data item using the selected shading color; and displaying the formatted data item

in the display window, wherein each formatted data item is positioned with a left margin

substantially similar to a left margin corresponding to the other data items (column 7, lines 34-

44, and figures 5 and 6).

Claims 9 and 15 are similar in scope to claim 1, and are therefore rejected under similar

rationale.

As per claim 2, which is dependent on claim 1, Lokuge teaches that the shading color

includes grayscale shading (column 7, lines 34-44, *i.e. – highlighting or shading could be color*

or grayscale).

Claims 10 and 16 are similar in scope to claim 2, and are therefore rejected under similar

rationale.

As per claim 3, which is dependent on claim 1, Lokuge teaches analyzing an attribute

corresponding to each data item; determining a visual highlight corresponding to the attribute;

including the visual highlight with the formatted data item (column 7, lines 34-44).

As per claim 4, which is dependent on claim 3, Lokuge teaches that the visual highlight is

selected from the group consisting of blinking, text coloring, bolding, italicizing, underlining,

striking through, shadowing, outlining, capitalizing, and font changing (column 7, lines 39-44).

Lokuge does not explicitly disclose all of the above elements, however, he does teach changing

the font, and changing the font size (column 7, lines 43-44). It is obvious that changing the font

and font size encompasses the effects described above.

As per claim 5, which is dependent on claim 1, Lokuge teaches receiving a data item

selection from a user (column 6, lines 53-59); displaying one or more formatted data items

below the selected data item in response to the user selecting an unexpanded data item (column

6, lines 53-59, *i.e. - expansion*); and removing one or more formatted data items from the

display area beneath the selected data item in response to the user selecting an expanded data

item (column 5, lines 61-67, *i.e. – some items may be truncated and hidden from view*).

Claims 11 and 17 are similar in scope to claim 5, and are therefore rejected under similar

rationale.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6. Claims 6, 12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokuge

(US006252597B1) in further view of Microsoft Window Explorer ("MS Explorer," Microsoft

Explorer Screen Dumps Figures 1 and 2).

As per claim 6, which is dependent on claim 1, the teachings of Lokuge in regards to claim 1 have been discussed above. Lokuge does not disclose displaying a graphic icon with each formatted data item, the graphic icon indicating whether the formatted data item is expanded.

MS Explorer teaches displaying a graphic icon with each formatted data item, the graphic icon indicating whether the formatted data item is expanded (figure 2, element 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Lokuge with a means to indicate whether a data item is expanded, as taught by MS Explorer, with the motivation to allow users to quickly ascertain the state of a hierarchy and whether more items are hidden within categories without having to open those categories.

Claims 12 and 18 are similar in scope to claim 6, and are therefore rejected under similar rationale.

7.   Claim 7, 13, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lokuge (US006252597B1) in further view of Etchemendy et al. ("Etchemendy," US005999182A).

As per claim 7, which is dependent on claim 1, the teachings of Lokuge in regards to claim 1 have been discussed above. Lokuge does not disclose displaying an alphanumeric level identifier with each formatted data item that identifies the level corresponding to the formatted data item.

Etchemendy teaches displaying an alphanumeric level identifier with each formatted data item that identifies the level corresponding to the formatted data item (figure 5 and column 6, lines 50-53). It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify the teachings of Lokuge with a means to display an alphanumeric

level identifier, as taught by Etchemendy, with the motivation to indicate the inheritance relation

between elements in a hierarchy (column 9, lines 11-12).

Claims 13 and 19 are similar in scope to claim 7, and are therefore rejected under similar

rationale.

Allowable Subject Matter

8. Claim 8 is objected to as being dependent upon a rejected base claim, but would be allowable

if rewritten in independent form including all of the limitations of the base claim and any

intervening claims.

Claim 8 teaches that a indicator bar is overlaid on top of an item and that the margin of

the bar indicates the level of the item in the hierarchy. The use of shapes to indicate the

hierarchy level of an item is known, however, the use of an indicator bar's margin is a novel

approach to indicating an items level in a hierarchy.

Conclusion

The following prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Guerrero (US #6236400) teaches a method to navigate hierarchical data with the use of

an apparatus that displays each item with a common margin.

Inquiries

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jordan S Golinkoff whose telephone number is 703-305-8771.

The examiner can normally be reached on Monday through Thursday from 8:30 a.m. to 6:00

p.m. and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jordan Golinkoff
Patent Examiner
February 17, 2004

Kristine Kincaid
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